

MINUTES OF THE KANSAS BOARD OF VETERINARY EXAMINERS MEETING
FRIDAY, MARCH 28, 2008, BOARD OFFICE, WAMEGO, KANSAS
(DRAFT VERSION UNTIL SIGNED BY BOARD PRESIDENT)

This meeting of the Kansas Board of Veterinary Examiners was called to order by Board President Dr. Verle Carlson at 09:34a.m. Dr. Carlson welcomed everyone in attendance at the meeting. In addition to Dr. Carlson, Board Members Dr. Mark Olson, Dr. Vern Otte, Dr. Christen Skaer, Dr. Mary Sue Painter, Dr. Richard Barta, and Richard Coffelt were also present. Also in attendance were agency staff Dr. Dirk Hanson, Larry O'Hara, Cheryl Mermis, and Board General Counsel Mary Feighny.

A motion was made by Dr. Olson to adopt the proposed agenda for this meeting. This motion was seconded by Dr. Otte. This motion passed on a voice vote with no dissenting votes.

No one from the general public was present for the public forum for non-agenda items.

A motion was then made by Dr. Skaer to approve the minutes of the last Board meeting. This motion was seconded by Dr. Painter. This motion passed on a voice vote with no dissenting votes.

Dr. Carlson then updated Board Members on legislation creating a state prescription monitoring program (PMP). Dr. Carlson relayed that the legislation had been amended to exempt veterinarians from being required to report to the PMP while a task force assesses the potential to promote public health safety and welfare should veterinarians be required to report. Dr. Carlson indicated that a member of this Board will need to be appointed by the Board to serve on the PMP task force.

Dr. Carlson then updated the Board on HB 2618, legislation that would remove the option of Board members to preside over adjudicative hearings. General Counsel Mary Feighny provided information on that bill and provided a memorandum dated 03-27-08 with additional information. Dr. Olson indicated he was told by his local Senator that the Senator would oppose this particular bill. Dr. Barta indicated he had contacted his local Senator's office requesting opposition to that bill as well. Dr. Barta indicated he had not yet received a response from his local Senator.

Dr. Carlson then initiated discussion regarding Board Members serving in leadership positions in veterinary associations concurrently with serving a term as a member of the licensing Board. Dr. Carlson indicated in his opinion, serving in such leadership positions in associations while at the same time serving on the licensing Board could be somewhat of a conflict of interest.

Dr. Otte indicated he felt that veterinarians who hold the position of a District Trustee, Trustee-At-Large, or other officer of the Executive Board of the Kansas Veterinary Medical Association should not concurrently serve as a member of the Kansas Board of Veterinary Examiners. Dr. Skaer stated she agreed with Dr. Otte.

Dr. Olson stated he felt a policy should be established, and stated that in his opinion, any voting member of the Executive Board of the Kansas Veterinary Medical Association should not serve on the Board of Veterinary Examiners at the same time.

Dr. Skaer then made a motion that from this date forward, it shall be the policy of the Board that any veterinarian who serves as a member of the Board of Veterinary Examiners shall not concurrently hold a position as a District Trustee, Trustee-at-Large, Executive Officer, or any other voting position of the Executive Board of the Kansas Veterinary Medical Association. This motion was seconded by Dr. Olson. This motion passed on a voice vote with no dissenting votes.

Dr. Carlson indicated that the Board position held by Mr. Coffelt was due to expire June 30th. Mr. Coffelt indicated he was not interested in seeking reappointment. Dr. Carlson also indicated Dr. Painter's position on the Board expired June 30th as well. Dr. Painter did indicate she was willing to accept reappointment to the Board.

Dr. Barta offered the name of Jim Correll of Coffeyville, Kansas as a possible name the Board might nominate to the Governor for appointment to the position of non-veterinary member of the Board. Dr. Barta provided a copy of a resume for Mr. Correll, and copies were provided to Board members for consideration. Dr. Skaer indicated her preference was to defer any recommendations of names for the non-veterinary Board member until the next meeting.

Dr. Carlson then moved that Dr. Painter be nominated for reappointment. Dr. Barta seconded this motion. This motion passed on a voice vote with no dissenting votes. Dr. Hanson indicated he would prepare a letter of support for Dr. Painter for distribution to Board members.

Dr. Carlson then directed Board members to submit any additional names for the non-veterinary position on the Board to Dr. Hanson by May 1, 2008.

As Board Members signed new license certificates, Dr. Carlson asked that Dr. Hanson prepare a written policy for license application approval procedures and present that policy at the next Board meeting.

Ms. Mermis then provided a report on research into other agencies and states utilization of criminal background checks as a part of license application processing. Dr. Carlson indicated his position was that it wasn't worthwhile to conduct routine background checks. Dr. Olson indicated he concurred with Dr. Carlson. The consensus of the Board members was to not take any additional action on this issue at this time. Dr. Hanson was asked by Dr. Carlson to draft a statement of the Board's position and communicate it to those state agencies who had requested such.

Board Members then discussed the nomination of Dr. Jay Hedrick to the National Board of Veterinary Medical Examiners. Dr. Carlson then moved to nominate Dr. Hedrick to the NBVME. Mr. Coffelt seconded this motion. This motion passed on a voice vote with no dissenting votes.

Dr. Painter then initiated discussion and provided information regarding the American Association of Veterinary State Board's Registry of Approved Continuing Education program standards for continuing education for veterinarians. Dr. Painter indicated she felt that continuing education should be defined better than it is currently in the regulations. The consensus of the Board Members was to further discuss this issue at the next Board meeting.

At 12:00p.m., Dr. Carlson moved that the Board recess into executive session with the Executive director in compliance with the Kansas Open Meetings Act for the purpose of discussing personnel matters, with the meeting to then reconvene at 1:30p.m. back here in the agency office conference room. Dr. Skaer seconded this motion. The motion passed on a voice vote with no dissenting votes.

The Board meeting reconvened at 1:42p.m. Dr. Painter moved that a 6% pay increase be given to the Board's Administrative Officer Cheryl Mermis. This motion was seconded by Mr. Coffelt. This motion passed on a voice vote with no dissenting votes.

Dr. Painter then revisited the issue about her opinion to change the definition of continuing education in existing regulations. Dr. Carlson asked that Dr. Painter review some other states definitions of continuing education and requirements on continuing education and bring that information to the next Board meeting for discussion.

Dr. Skaer then provided information relative to consideration of minimum standards for pain management in companion animals. Dr. Skaer indicated she would like to see pain management addressed in regulations. Dr. Skaer indicated she would recommend language added to existing regulations similar to Oregon's language in OAR 875-015-0030(3) and (5). Mary Feighny indicated she would draft some regulatory language for minimum standards for pain management for companion animals, and would have that draft prepared by the next Board meeting for review and consideration. Ms. Feighny indicated that language addressing this could be added to regulations under Article 7. Dr. Skaer indicated that if this is added to existing regulations, this would need to be well communicated to all Kansas licensed veterinarians.

Ms. Feighny then referenced Board Members to a memorandum she had provided offering her legal opinion as to assessing fines for violations of the Practice Act. Ms. Feighny clarified that this memorandum was her opinion only and it was offered without a legal basis.

Board Members then discussed recently completed case summaries and outcomes. Dr. Hanson provided copies of recently completed survey response forms as well. Dr. Hanson also informed Board Members that at this time, only one case is pending a probable cause determination by Board Members.

Board Members then discussed expenditure approvals for travel to the AAVSB Conference and the AVMA Conference. Dr. Carlson recommended at the least that the newest Board member and Ms. Mermis be approved for the AAVSB Conference. Dr. Barta moved to approve expenditures for the Executive Director to attend the American Veterinary Medical Law Association, and for 3 individuals to attend the AAVSB Conference. Dr. Olson seconded this motion. This motion passed on a voice vote with no dissenting votes.

Dr. Barta then moved to re-elect Dr. Carlson as Board President for the upcoming year. This motion was seconded by Dr. Painter. This motion passed on a voice vote with no dissenting votes.

Dr. Otte then moved to re-elect Dr. Barta as Vice-President of the Board for the upcoming year. Dr. Skaer seconded this motion. This motion also passed on a voice vote with no dissenting votes.

Upcoming Board Meeting dates were discussed. The Board had previously approved the next meeting date of the Board to be May 16, 2008. Indications are that this meeting will most likely be a conference call meeting. The Board approved dates for future meetings to be August 15th, November 21st and January 28, 2009.

Board Members then considered a proposed procedure for cases meeting certain criteria. Under this procedure such cases, when sent to probable cause teams for review, will include a survey as to what terms of informal resolution the probable cause reviewer would recommend. The consensus of the Board was to add this proposal to existing standard procedures of the Board.

Having no other business to discuss at this time, Dr. Carlson asked Board Members to consider the task force appointment for the PMP Board and to let Dr. Hanson know if they were interested. Dr. Otte then moved to adjourn the meeting and Dr. Skaer seconded the motion. This motion passed on a voice vote with no dissenting votes. This meeting was adjourned at 3:20p.m.